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Criminal accountability of United Nations officials and experts on mission

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Report of the Secretary-General

Addendum

Chile

1. Under its current legislation, Chile does not have specific competence to prosecute crimes committed by Chileans serving as United Nations officials or experts on mission. Its legal framework therefore needs to be adapted to the provisions of resolution 65/20.

2. Any legal amendment related to this issue should apply only to cases in which the offence committed abroad is also considered an offence in Chile, in line with the principle of dual criminality.

3. Since such an amendment would affect the powers of the courts of justice, it would be considered organic constitutional law and would thus require a special quorum and a ruling by the Supreme Court before it could be approved, in line with articles 66 and 77 of the Political Constitution of the Republic.

4. Article 6 of the Chilean Organic Code on Courts provides an exhaustive list of offences that are exempt from the principle of territorial jurisdiction. The Code is applicable to all Chileans and would therefore include nationals who are serving as United Nations officials or experts on mission.

5. Pursuant to that Code, offences committed outside the national territory that are subject to Chilean jurisdiction include: bribery of foreign public officials, when committed by a Chilean or a person whose habitual place of residence is in Chile; offences within the scope of treaties signed with other Powers; and the production of child pornography and the promotion of child prostitution, when such acts threaten or harm the sexual integrity or freedom of a Chilean or are committed by a Chilean or a person whose place of habitual residence is in Chile.

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